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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/755,491	01/12/2004	Larry G. Kent JR.	190250-1280	1981

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EXAMINER

RAMAKRISHNAIAH, MELUR

ART UNIT PAPER NUMBER

2614

DATE MAILED: 09/13/2006

Please find below and/or attached an Office communication concerning this application or proceeding.

## Office Action Summary

Application No.

10/755,491

Applicant(s)

KENT ET AL.

Examiner

Melur Ramakrishnaiah

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

### Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

### Status

- 1) ☒ Responsive to communication(s) filed on 10 July 2006.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

### Disposition of Claims

- 4) ☒ Claim(s) 1-32 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-32 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

### Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
- Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

### Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some \* c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
  - ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- \* See the attached detailed Office action for a list of the certified copies not received.

### Attachment(s)

- |  |   |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892)          | 4) <input type="checkbox"/> Interview Summary (PTO-413)           |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | Paper No(s)/Mail Date. _____                                      |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08)          | 5) <input type="checkbox"/> Notice of Informal Patent Application |
| Paper No(s)/Mail Date _____  | 6) <input type="checkbox"/> Other: _____                          |

***Continued Examination Under 37 CFR 1.114***

1. A request for continued examination under 37 CFR 1.114, including the fee set forth in 37 CFR 1.17(e), was filed in this application after final rejection. Since this application is eligible for continued examination under 37 CFR 1.114, and the fee set forth in 37 CFR 1.17(e) has been timely paid, the finality of the previous Office action has been withdrawn pursuant to 37 CFR 1.114. Applicant's submission filed on 7-10-2006 has been entered.

***Claim Rejections - 35 USC § 103***

2. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

3. Claims 1, 3-5 are rejected under 35 U.S.C. 103(a) as being unpatentable over Archer (US PAT: 6,683,870, filed 6-25-1998) in view of Pepper et al. (US PAT: 5,930,700, hereinafter Pepper).

Regarding claim 1, Archer discloses an intelligent interactive call handling system, comprising: a central office in (118, fig. 2) to trigger a query responsive to receiving a call request to a called party, a call handling device (128, fig. 2) operable to receive query, and trigger an internet call routing query, an internet call routing system (figs. 2-3) coupled to the call handling device, the internet call routing system operable to receive internet call routing query, send a prompt notification of the incoming call to

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the called party at a plurality of registered communication devices (120a, 120b, 134a, 134b, fig. 2, col. 4, line 18 – col. 7, line 22).

Archer differs from claim 1 in that he does not specifically teach the following: detecting the presence of the called party, and the notification prompting the called party for instructions for handling the incoming the call, and route the call in accordance with instruction from the called party that is received in reply to the notification, and route the call to the called party telephone number if no information is received from the called party in reply to the notification after a set period of time.

However, Pepper discloses system and method for automatically screening incoming calls and directing the incoming call which teaches the following: detecting the presence of the called party (reads on system determining current location of the called party, col. 10 lines 37-41), and the notification prompting the called party for instructions for handling the incoming the call, and route the call in accordance with instruction from the called party that is received in reply to the notification, and route the call to the called party telephone number if no information is received from the called party in reply to the notification after a set period of time (col. 12 lines 45-63).

Thus, it would have been obvious to one of ordinary skill in the art at the time invention was made to modify Archer's system to provide for the following: detecting the presence of the called party, and the notification prompting the called party for instructions for handling the incoming the call, and route the call in accordance with instruction from the called party that is received in reply to the notification, and route the call to the called party telephone number if no information is received from the called

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party in reply to the notification after a set period of time as this arrangement would facilitate the called party to respond to the incoming call according to his convenience to suite his needs as taught by Pepper.

Archer differs from claim 3 in that hoe does not specifically teach the following: presence engine coupled to the internet call routing system, the presence engine being operable to determine the presence of any of the at least one registered communication device.

However, Pepper teaches the following: presence engine coupled to the call routing system, the presence engine (reads on system determining current location of the called party) being operable to determine the presence of any of the at least one registered communication device (col. 12 lines 15-20).

Thus, it would have been obvious to one of ordinary skill in the art at the time invention was made to modify Archer's system to provide for the following: presence engine coupled to the internet call routing system, the presence engine being operable to determine the presence of any of the at least one registered communication device as this arrangement would facilitate sending notifications to the communication device of the user depending upon his presence as taught by Pepper.

Regarding claim 4, Archer teaches the following: internet call routing query comprises an account number associated with called party, a phone number associated with called party, a registration identification associated with the called party, and a certificate associated with the called party (fig. 4; col. 6 lines 30-62).

Regarding claim 5, Archer teaches the following: a gateway (126, fig. 2) coupled between the call handling device and internet call handling system, the gateway being operable to translate protocols between the signaling system 7 (reads on telephone signaling) and internet protocol (col. 5, lines 33-46).

4. Claim 6 is rejected under 35 U.S.C. 103(a) as being unpatentable over Archer in view of Pepper as applied to claim 1 above, and further in view of Reding et al. (US 2004/0264654A1, Provisional application No. 60/436,018, filed on Dec. 26-2002, hereinafter Reding).

The combination differs from claim 6 in that he does not explicitly teach the following: at least a short message server, an electronic mail server, an instant messaging server, etc , the servers being coupled internet call routing system, and being operable to forward the notification to registered communication device responsive to instructions from the internet call routing system.

However, Reding teaches the following: at least a short message server, an electronic mail server, an instant messaging server, etc , the servers being coupled internet call routing system, and being operable to forward the notification to registered communication device responsive to instructions from the internet call routing system (paragraphs: 0102-0106).

Thus, it would have been obvious to one of ordinary skill in the art at the time invention was made to modify the combination to provide for the following: at least a short message server, an electronic mail server, an instant messaging server, etc , the servers being coupled internet call routing system, and being operable to forward the

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notification to registered communication device responsive to instructions from the internet call routing system as this arrangement would facilitate visual notification of incoming call to the registered communication devices as taught by Reding, thus facilitating the user to receive incoming call notification for display and respond according to user preferences.

Claim 7 is rejected on the same basis as claim 1.

Regarding claim 8, Archer teaches the following: a database (138, fig. 2) operable to store a profile associated with called party including a list comprising the at least one registered communication device, the database being operable to provide the list associated with the called party to the presence logic (col. 6 lines 31-38).

Claim 9 is rejected on the same basis as claim 6.

Claim 10 is rejected on the same basis as claim 4.

Regarding claim 14, Archer teaches the following: at least one registered communication device comprises at least one of a cellular phone (fig. 1) and internet protocol phone (134a, col. 7 lines 3-4).

Claim 15 is rejected on the same basis as claim 1.

Claim 16 is rejected on the same basis as claim 8.

Claim 20 is rejected on the same basis as claim 6.

Claim 21 is rejected on the same basis as claim 14.

Claim 22 is rejected on the same basis as claim 4.

Claim 24 is rejected on the same basis as claim 1.

Claim 25 is rejected on the same basis a claim 8.

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Claim 29 is rejected on the same basis as claim 6.

Claim 30 is rejected on the same basis as claim 14.

Claim 31 is rejected on the same basis as claim 4.

5. Claim 2 is rejected under 35 U.S.C. 103(a) as being unpatentable over Archer in view of Pepper as applied to claim 1 above, and further in view of Cermak et al. (US 6,763,095, filed 9-24-2002, hereinafter Cermak).

The combination differs from claim 2 in that he does not teach the following: certificate authority coupled to internet call routing system, certificate authority being operable to authenticate the called party by searching a customer database for current subscription and payment information.

However, Cermak teaches the following: authentication system by using certificate provide by Public key Infrastructure (34, col. 5, line 60 – col. 6, line 2).

Thus, it would have been obvious to one of ordinary skill in the art at the time invention was made to modify the combination to provide for the following: certificate authority coupled to internet call routing system, certificate authority being operable to authenticate the called party by searching a customer database for current subscription and payment information as this arrangement would provide means for identifying and authenticating users of the system, thereby providing means for checking the eligibility of users to use resources offered by the network.

6. Claims 13,17-18, 26-27, are rejected under 35 U.S.C. 103(a) as being unpatentable over Archer in view of Pepper as applied to claims 7, 15, 24 above, and further in view of Balasuriya (US 2003/0041048).



The combination differs from claims 13,17-18, 26-27 in that it does not teach the following: rules engine being operable to parse at least one rule associated with the called party, the profile also including one rule for processing the call.

However, Balasuriya teaches the following: rules engine (34, fig. 1) being operable to parse at least one rule associated with the called party, the profile also including one rule for processing the call (fig. 1, paragraph: 0019).

Thus, it would have been obvious to one of ordinary skill in the art at the time invention was made to modify the combination to provide for the following: rules engine being operable to parse at least one rule associated with the called party, the profile also including one rule for processing the call as this arrangement would facilitate call processing based on rules set by the subscriber as taught by Balasuriya (see claim 1).

7. Claims 19 and 28 are rejected under 35 U.S.C. 103(a) as being unpatentable over Archer in view of Pepper and Balasuriya as applied to claims 18 and 27 above, and further in view of Reding.

The combination differs from claims 19 and 28 in that it does not teach the following: prompt is an Internet based message.

However, Reding teaches the following: prompt is an Internet based message (paragraph: 0104).

Thus, it would have been obvious to one of ordinary skill in the art at the time invention was made to modify the combination to provide for the following: prompt is an Internet based message as this arrangement would provide one of the methods, among

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many possible methods, sending the notification of the incoming call as taught by Reding so that user can make informed decision about responding to the call.

8. Claims 11-12, 23, 32 are rejected under 35 U.S.C. 103(a) as being unpatentable over Arecher in view of Pepper as applied to claims 7, 15, 24 above and further in view of Cermak.

The combination differs from claims 11-12, 23 and 32 in that it does not teach the following: authentication logic coupled to the receive logic operable to employ the certificate associated with the called party to authenticate the called party, authentication logic authenticates the called party, and assures that the called party continues to subscribe to a service provided by the internet call routing system, using the certificate associated with the called party to authenticate the called party.

However, Cermak teaches the following: authentication system by using certificate provide by Public key Infrastructure (34, col. 5, line 60 – col. 6, line 2).

Thus, it would have been obvious to one of ordinary skill in the art at the time invention was made to modify the combination to provide for the following: authentication logic coupled to the receive logic operable to employ the certificate associated with the called party to authenticate the called party, authentication logic authenticates the called party, and assures that the called party continues to subscribe to a service provided by the internet call routing system, using the certificate associated with the called party to authenticate the called party as this arrangement would provide means for identifying and authenticating users of the system, thereby providing means for checking the eligibility of users to use resources offered by the system.

### ***Conclusion***

9. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

--(US 2002/0136206) to Gallant et al. discloses sending an invite message to each address. The proxy server attempts to reach the second user by trying the addresses either serially or parallel (paragraph: 0014; 0081).

--(US 2004/0005042) to Dhara et al. discloses Dynamic, interactive call handling.

--(US2003/0135624A1 to McKinnon et al. discloses dynamic presence management.

### ***Response to Arguments***

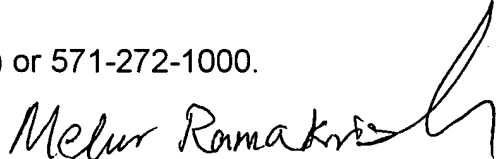
10. Applicant's arguments with respect to claims 1-32 have been considered but are moot in view of the new ground(s) of rejection.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Melur Ramakrishnaiah whose telephone number is (571)272-8098. The examiner can normally be reached on 9 Hr schedule.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Curt Kuntz can be reached on (571) 272-7499. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

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Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

  
Melur Ramakrishnaiah  
Primary Examiner  
Art Unit 2614